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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,491	04/19/2001	Michael L. Obradovich	56019/DMC/C685	9904

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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,491	OBRADOVICH, MICHAEL L.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-48 and 59-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-48 and 59-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21-29, 41-48 and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwob (US Patent No. 5,732,338) in view of Ronald Jurgen, IEEE Spectrum (March 1996).

Regarding claim 21, Schwob discloses a system for use in a vehicle comprising: an interface for providing a set of indicators for indicating a group of information sources outside the vehicle, the group of information sources being associated with a location, each indicator being selectable to receive signals from the information source indicated by the indicator (see col. 10, lines 41-62 and col. 11, lines 1-61); however, Schwob fails to explicitly teach a processor for determining whether the vehicle is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources being provided when it is determined that the vehicle is within the predetermined distance from the second location, the second group of information sources being associated with the second location.

Jurgen teaches a processor for determining whether the vehicle is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources being provided when it is determined that the vehicle is within the predetermined distance from the second location, the second group of information sources being associated with the second location (see pages 54-55). It would have been obvious to one of an ordinary skill in the art, having the teaching of Schwob and Jursen before him at the time the invention was made to modify whether the vehicle, is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources, which is associated with the second location, being provided when it is determined that the vehicle is within the predetermined distance from the second location as taught by Jurgen to the broadcasting and receiving system of Schwob.

One would have been motivated to make such a combination in order to provide a means to update a receiver-integrated database containing station identification and station attribute information so that data update can be done automatically through VHF/FM subcarrier data transmission as soon as data change is known and as easily as practicle.

Regarding claim 22, Schwob discloses wherein at least one of the information sources includes a radio station (see col. 2, lines 33-46).

Regarding claim 23, Schwob discloses wherein at least one of the information sources includes a television station (see col. 2, lines 47-56).

Regarding claims 24-26, Schwob discloses wherein at least one of the indicators when selected is highlighted on the display (see col. 20, lines 18-32).

Regarding claims 27, Jurgen discloses wherein the processor determines whether the vehicle is within the predetermined distance from the second location by comparing a global positioning system (GPS) measurement identifying a current location of the vehicle with a second GPS measurement identifying the second location (see page 55).

Regarding claim 28 and 29, Schwob discloses wherein at least one of the indicators includes an icon and wherein the at least one indicator is selectable by pointing and clicking at the icon (see col. 29, lines 39-45).

Claim 41 differs from claim 1 in that " providing a set of indicators for indicating a group of information sources outside the vehicle, the group of information sources being associated with a location, each indicator being selectable to receive signals from the information source indicated by the indicator; determining whether the vehicle is within a predetermined distance from a second location; and providing a second set of indicators indicating a second group of information sources which is associated with the second location when is determined that the vehicle is within the predetermined distance from the second location." which read on Schwob (see col. 20-23, lines 1-67).

As claim 42-48 and 59-62 are analyzed as previously discussed with respect to claims 21-30 above.

Response to Argument

3. Applicant's arguments filed on 10/11/05 have been fully considered but they are not persuasive.

On pages 8-10 of the Remark; Applicant argues that the combination of Schwob and Jursen do not teach or suggest "whether the vehicle, is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources, which is associated with the second location, being provided when it is determined that the vehicle is within the predetermined distance from the second location." The Examiner respectfully disagrees. As shown in figure 2; Jursen teaches the digital radio may be programmable to correlate and comparable signals from the global positioning system to pinpoint a driver's location calculate a car's location, transmitting the coordinates of transmission sites and resulting distance difference by GPS location data; as recited in pages 53-56.

In response to applicant's argument that whether the vehicle, is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources, which is associated with the second location, being provided when it is determined that the vehicle is within the predetermined distance from the second location, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's argument on page 8 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Schwob discloses a system for use in a vehicle used in combination of Jursen's GPS. One would have been motivated to make such a combination in order to provide a means to update a receiver-integrated database containing station identification and station attribute information so that data update can be done automatically through VHF/FM subcarrier data transmission as soon as data change is known and as easily as practicle.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

12/22/05